IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 26th day of July 2005
Criminal Misc. Bail Application No. 626/2005
Order on the bail application of accused

CRIMINAL SIDE

Vikas @ Tikhe
S/o Shri Khadak Bahadur
R/o 16 Patti Telpur
Mehuwala
P.S. Patel Nagar
District Dehradun .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No.58 of 2005
U/s 363, 366, 376 I.P.C.
P.S. Patel Nagar
District - Dehradun

Hon'ble J.C.S. Rawat, J.

Heard Sri Sandeep Tandon learned counsel for the applicant and learned A.G.A. for the State.

Two sealed envelops i.e. statement u/s 164 Cr.P.C. & the case-diary of case crime No.58/2005 have been received from the court concerned. The aforesaid sealed envelops were opened by Sri D.S. Bisht, Bench Secretary in presence of the parties.

I have gone through the contents of the envelops. Perusal of the medical report reveals that the victim was about 16-18 years at the time of incident. It has been mentioned in the medical report that no definite opinion can be given about rape and the hymn torn old and healed tag present. The learned counsel for the applicant contended that the victim was taken so many places, but she did not make any hue and cry. Considering the facts, contentions and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Statement u/s 164 Cr.P.C. & the case-diary of case crime No.58/2005 have been sealed in presence of the parties. Let these envelops be remitted back to the court concerned immediately.

Dated 26.07.2005 **(J.C.S. Rawat, J.)**
LSR